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LEGISLATIVE ACTION

Senate

House

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Floor: 18/AD/2R

04/27/2011 03:23 PM

Senator Margolis moved the following:

Senate Amendment (with title amendment)

Delete lines 1850 - 1855

and insert:

Section 40. Subsections (1), (2), and (4) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1) (a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a period of up to 4



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14 years, which period ends on the applicant's birthday, to any
15 person who has long-term mobility impairment, or a temporary
16 disabled parking permit not to exceed 6 months to any person who
17 has a temporary mobility impairment. No person will be required
18 to pay a fee for a parking permit for disabled persons more than
19 once in a 12-month period from the date of the prior fee
20 payment.

21 (b)1. The person must be currently certified as being
22 legally blind or as having any of the following disabilities
23 that render him or her unable to walk 200 feet without stopping
24 to rest:

25 a. Inability to walk without the use of or assistance from
26 a brace, cane, crutch, prosthetic device, or other assistive
27 device, or without the assistance of another person. If the
28 assistive device significantly restores the person's ability to
29 walk to the extent that the person can walk without severe
30 limitation, the person is not eligible for the exemption parking
31 permit.

32 b. The need to permanently use a wheelchair.

33 c. Restriction by lung disease to the extent that the
34 person's forced (respiratory) expiratory volume for 1 second,
35 when measured by spirometry, is less than 1 liter, or the
36 person's arterial oxygen is less than 60 mm/hg on room air at
37 rest.

38 d. Use of portable oxygen.

39 e. Restriction by cardiac condition to the extent that the
40 person's functional limitations are classified in severity as
41 Class III or Class IV according to standards set by the American
42 Heart Association.



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43 f. Severe limitation in the person's ability to walk due to
44 an arthritic, neurological, or orthopedic condition.

45 2. The certification of disability which is required under
46 subparagraph 1. must be provided by a physician licensed under
47 chapter 458, chapter 459, or chapter 460, by a podiatric
48 physician licensed under chapter 461, by an optometrist licensed
49 under chapter 463, by an advanced registered nurse practitioner
50 licensed under chapter 464 under the protocol of a licensed
51 physician as stated in this subparagraph, by a physician
52 assistant licensed under chapter 458 or chapter 459, or by a
53 similarly licensed physician from another state if the
54 application is accompanied by documentation of the physician's
55 licensure in the other state and a form signed by the out-of-
56 state physician verifying his or her knowledge of this state's
57 eligibility guidelines.

58 (c) The certificate of disability must include, but need
59 not be limited to:

60 1. The disability of the applicant; the certifying
61 practitioner's name and address; the practitioner's
62 certification number; the eligibility criteria for the permit;
63 the penalty for falsification by either the certifying
64 practitioner or the applicant; the duration of the condition
65 that entitles the person to the permit; and justification for
66 the additional placard pursuant to subsection (2).

67 2. The statement, in bold letters: "A disabled parking
68 permit may be issued only for a medical necessity that severely
69 affects mobility."

70 3. The signatures of:

71 a. The applicant's physician or other certifying



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72 practitioner.

73 b. The applicant or the applicant's parent or guardian.

74 c. The employee of the department's authorized agent which
75 employee is processing the application.

76 (d) Beginning October 1, 2011 ~~April 1, 1999~~, the Department
77 of Highway Safety and Motor Vehicles shall renew the disabled
78 parking permit of any person certified as permanently disabled
79 on the application if the person applies for renewal in person
80 and provides a current certificate of disability pursuant to
81 this subsection.

82 (e) The Department of Highway Safety and Motor Vehicles
83 shall, in consultation with the Commission for the
84 Transportation Disadvantaged, adopt rules, in accordance with
85 chapter 120, for the issuance of a disabled parking permit to
86 any organization that can adequately demonstrate a bona fide
87 need for such a permit because the organization provides regular
88 transportation services to persons who have disabilities and are
89 certified as provided in this subsection.

90 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
91 MOBILITY PROBLEMS.—

92 (a) The disabled parking permit is a placard that can be
93 placed in a motor vehicle so as to be visible from the front and
94 rear of the vehicle. Each side of the placard must have the
95 international symbol of accessibility in a contrasting color in
96 the center so as to be visible. One side of the placard must
97 display the applicant's driver's license number or state
98 identification card number along with a warning that the
99 applicant must have such identification at all times while using
100 the parking permit. In those cases where the severity of the



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101 disability prevents a disabled person from physically visiting
102 or being transported to a driver license or tax collector office
103 to obtain a driver's license or identification card, a
104 certifying physician may sign the exemption section of the
105 department's parking permit application to exempt the disabled
106 person from being issued a driver's license or identification
107 card for the number to be displayed on the parking permit. A
108 validation sticker must also be issued with each disabled
109 parking permit, showing the month and year of expiration on each
110 side of the placard. Validation stickers must be of the size
111 specified by the Department of Highway Safety and Motor Vehicles
112 and must be affixed to the disabled parking permits. The
113 disabled parking permits must use the same colors as license
114 plate validations.

115 (b) License plates issued under ss. 320.084, 320.0842,
116 320.0843, and 320.0845 are valid for the same parking privileges
117 and other privileges provided under ss. 316.1955, 316.1964, and
118 526.141(5) (a).

119 (c) The department shall not issue an additional disabled
120 parking permit unless the applicant states that he or she is a
121 frequent traveler or a quadriplegic. The department may not
122 issue to any one eligible applicant more than two disabled
123 parking permits except to an organization in accordance with
124 paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to
125 this subsection.

126 (d) If an applicant who is a disabled veteran, is a
127 resident of this state, has been honorably discharged, and
128 either has been determined by the Department of Defense or the
129 United States Department of Veterans Affairs or its predecessor



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130 to have a service-connected disability rating for compensation
131 of 50 percent or greater or has been determined to have a
132 service-connected disability rating of 50 percent or greater and
133 is in receipt of both disability retirement pay from the United
134 States Department of Veterans Affairs, he or she must still
135 provide a signed physician's statement of qualification for the
136 disabled parking permits.

137 (e) To obtain a replacement for a disabled parking permit
138 that has been lost or stolen, a person must appear in person,
139 submit an application on a form prescribed by the department,
140 and ~~must~~ pay a replacement fee in the amount of \$1.00, to be
141 retained by the issuing agency. If the person submits with the
142 application a police report documenting that the permit was
143 stolen, there is no replacement fee.

144 (f) A person who qualifies for a disabled parking permit
145 under this section may be issued an international wheelchair
146 user symbol license plate under s. 320.0843 in lieu of the
147 disabled parking permit; or, if the person qualifies for a "DV"
148 license plate under s. 320.084, such a license plate may be
149 issued to him or her in lieu of a disabled parking permit.

151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 144 - 146

154 and insert:

155 cross-references; amending s. 320.0848, F.S.; revising
156 the requirements for disabled parking permit renewals;
157 requiring a permitholder to personally appear to
158 obtain a renewal or replacement permit; revising the



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requirements for the deposit of fee proceeds from
temporary disabled parking permits; amending s.